

REMARKS

Applicants have amended claims 1, 4 and 7 to correct an inadvertent amendment.

Applicants respectfully request entering of the amendment after allowance in view of the following remarks.

Applicants' attorney called June 22, 2004 to discuss an inadvertent and unauthorized amendment to this patent application. In the Notice of Allowability mailed April 7, 2004, Mr. Konrad Keating agreed to change "comprising" scope to "consisting of" scope. Unfortunately, Mr. Keating, a former employee now at DuPont, is no longer authorized to amend this patent application. In the call, Applicants' attorney noted that Konrad Keating has indicated that he entered the amendment by mistake (by assuming the application to be a DuPont patent application) and has apologized for the inconvenience that resulted. As agreed to in the call, applicants' attorney has prepared the enclosed response for consideration after allowance.

The Notice of Allowability amends the Markush language to a closed "consisting of" scope based upon the inadvertent authorization of Mr. Keating. Applicants' attorney has amended the language of claims 1, 4 and 7 to the "[X] selected from A, B and C" form for exact consistency with the MPEP. The specification at page 10, lines 22 and 23 provides a basis for the open language. Furthermore, the MPEP, Eighth Edition Revision 1, Volume II, Appendix AI (PCT) at pages AI-71 to AI-72 (Specifically, Example 20) and Training Materials For Examining Patent Applications with Respect to 35 U.S.C. Section 112, First Paragraph – Enablement Chemical/ Biotechnical Applications, released August, 1996,

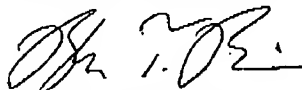
BEST AVAILABLE COPY

[<http://www.uspto.gov/web/offices/pac/dapp/1pecba.htm>], (Specifically, Examples H and J) make it clear that the phrase "X selected from A, B and C" is proper claim language. Therefore, amended claims 1, 4 and 7 contain proper claim language under 35 U.S.C. § 112, second paragraph.

Applicants respectfully request consideration under 37 C.F.R. § 1.312 (A) to correct the inadvertent amendment of a former employee; (B) the amendment places the claims in proper form as suggested by the MPEP and does not require an additional search; (C) the amended claims remain patentable in view of the cited art; and (D) Applicants' attorney did not have an earlier chance to amend the claims.

If a telephone call would expedite matters, please call me at (302) 283-2136.

Respectfully submitted,



Blake T. Biederman
Attorney for Applicants
Reg. No. 34,124

June 23, 2004
Date

Blake T. Biederman
Patent Attorney
1105 North Market Street
Suite 1300
Wilmington, DE 19899
Tel. 302-283-2136

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at 703 872-9306 on the date shown below.

Name: Blake T. Biederman

Signature: 

Date: June 23, 2004

BEST AVAILABLE COPY